

REMARKS/ARGUMENTS

In the restriction requirement dated May 29, 2008, the Examiner delineated the following inventions as being patentably distinct:

Group I:        Claims 1-7, drawn to a method of manufacturing a porous thick film containing cerium oxide; and

Group II:       Claim 8, drawn to a cerium oxide-based porous thick film.

Applicants provisionally elect with traverse Group I, Claims 1-7, drawn to a method of manufacturing a porous thick film containing cerium oxide.

The Examiner is requested to consider the following arguments why all the claims should be examined together.

The claims of Group I are integrally linked with the claim of Group II a method of manufacturing and the product made. The method of Group I is critical to the product of Group II. There is a commonality that exists between the Groups. It is a technical relationship that involves the same feature, and it is this technical feature that defines the contributions which each of the groups taken as a whole makes over the prior art.

Restriction is only proper if the claims of the restricted groups are patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (M.P.E.P. § 803). The burden of proof is on the Examiner to provide sufficient reasons and/or examples to support any conclusions that the claims of Groups I and II are patentably distinct. The Office has not substantially shown that a burden exists in searching all of the claims together.

Further, M.P.E.P. § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Different classification of subject matter to be divided is not conclusive proof of independent status and divisibility.

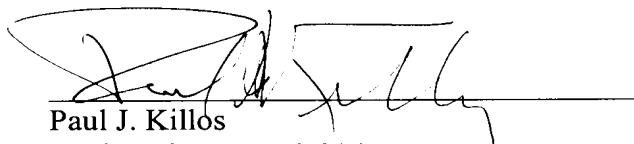
The determination of whether a group of inventions is so linked as to form a single general inventive concept should be made without regard to whether the inventions are claimed in separate claims or as an alternative within a single claim.

For the reasons set forth above, Applicants request that the Restriction Requirement be withdrawn.

Applicants further request that if the invention of Group I is found allowable withdrawn Group II, which includes the limitations of the allowable claims, be rejoined.

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